

June 20, 2011

TO: Joe Kuhn, Teamsters 117

FROM: Teresa Parsons, SPHR  
Director's Review Program Supervisor

SUBJECT: Michael Bogulaski v. Department of Corrections (DOC)  
Allocation Review Request ALLO-10-059

On April 19, 2011, I conducted a Director's review telephone conference regarding the allocation of Michael Bogulaski's position. In addition to you and Mr. Bogulaski, Bill Cody, former Locksmith Supervisor at Washington Corrections Center for Women, was present during the Director's review conference. Human Resources Consultants Nicole Baker and Tina Cooley from DOC's Classification Unit, as well as Human Resources Manager Lori Olsen and Human Resources Consultant Cindy Greenslitt from Airway Heights Corrections Center (AHCC) represented DOC.

### **Director's Determination**

This position review was based on the work performed for the six-month period prior to July 29, 2010, the date Mr. Bogulaski submitted his request for a position review to AHCC's Human Resources Office. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Bogulaski's assigned duties and responsibilities, I conclude his position should be reallocated to the Locksmith Lead classification.

### **Background**

On July 29, 2010, AHCC's Human Resources Office received Mr. Bogulaski's Position Review Request asking that his Locksmith position be reallocated to the Maintenance Mechanic 3 classification. On September 20, 2010, Human Resources Consultant Mike Raich conducted a desk audit. By letter dated October 22, 2010, Human Resources Consultant Nicole Baker determined Mr. Bogulaski's position was properly allocated to the Locksmith classification. Specifically, Ms. Baker determined the primary focus of Mr. Bogulaski's position involved the performance of journey-level, skilled locksmith work, as described by the Locksmith job class.

On November 5, 2010, Mr. Bogulaski filed a request for a Director's review of DOC's allocation determination. In his request, Mr. Bogulaski asked that his position be reallocated to the Maintenance Mechanic 3 or 4 classification or Locksmith Lead.

### **Summary of Mr. Bogulaski's Perspective**

Mr. Bogulaski contends the work he performs far exceeds the work of a regular Locksmith. Mr. Bogulaski asserts his position is responsible for safety and security at the facility. Mr. Bogulaski describes the majority of his work as inspecting, servicing, repairing, and maintaining complex mechanical and electrical detention systems. He indicates he is responsible for the electric/mechanical, high security sliding door systems located in the medium and maximum security unit (SMU). In addition, Mr. Bogulaski states that he directly supervises an inmate locksmith crew performing maintenance on detention electro/mechanical gate, slap, riot, and inmate correctional cell locks. Additionally, Mr. Bogulaski asserts he performs skilled welding and fabrication, machinist work, and carpentry work. Mr. Bogulaski contends that a small percentage of his time is spent working on standard locks and keys, and he emphasizes the majority of his work involves the complex, high security slider locking system. Further, Mr. Bogulaski contends that positions in other prisons assigned to perform work on similar systems have been allocated to the Maintenance Mechanic 4 class. Mr. Bogulaski believes his position should be allocated at a higher level than the Locksmith class.

### **Summary of DOC's Reasoning**

DOC asserts the primary focus of Mr. Bogulaski's work involves journey-level, skilled locksmith work, as encompassed in the Locksmith classification. DOC asserts the majority of Mr. Bogulaski's duties and responsibilities include the installation, repair, and preventive maintenance of locks and locking systems. While DOC recognizes that some of the tasks he performs may be included in the Maintenance Mechanic classes, DOC contends he performs those duties in order to maintain and repair the detention lock systems at AHCC. Further, while DOC acknowledges Mr. Bogulaski has responsibility for providing day-to-day oversight and work guidance to offenders assigned to his area, DOC asserts he does not have responsibility for leading other qualified locksmith positions. As a result, DOC contends his duties and responsibilities do not fit the Locksmith Lead classification. In addition, DOC contends Mr. Bogulaski reports to a Locksmith Supervisor who assigns his work. Overall, DOC asserts the Locksmith classification best describes the majority of duties and responsibilities assigned to Mr. Bogulaski's position.

### **Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### Duties and Responsibilities

The Position Description Form (PDF) for Mr. Bogulaski's position describes the position objective as follows (Exhibit B-3):

Provides support and assistance to a Locksmith Supervisor representing the physical security interests at a correctional facility . . . serves as a back up to the Locksmith Supervisor position and performs most of the repairs and preventative maintenance of all lock and lock related hardware located throughout the institution to include all institution security sliders.

A summary of the majority of work, described as 85%, includes the following:

- Installing, repairing, and performing preventative maintenance on all institution locks, locking systems, gate locks, door closers, and panic hardware;
- Troubleshooting lock system problems and repairing them;
- Responding to emergency situations involving keys and locks;
- Ensures security of the facility's Master Key System;
- Cutting keys by code or duplication;
- Changing combinations of institution's safes;
- Servicing, repairing, and replacing door hinges and ensuring total door locking devices are working and secure;
- Inspecting building key and locking systems;
- Maintaining shop inventory and bench stock;
- Recommending hardware type and estimating costs of proposed locking devices;
- Ordering parts to maintain inventory;
- Hiring and supervising an inmate crew to perform preventative maintenance on locking systems deemed non-sensitive.

While Mr. Bogulaski generally agrees he performs the above duties, he disagrees with the percentages of time on the PDF, and he emphasizes the primary focus of his job involves work on slider locking systems. A slider is "part of a locking system used primarily to control access in areas with larger numbers of inmates" (Exhibit B-5). Mr. Bogulaski asserts the majority of his time is spent working on the slider locking systems throughout the institution or in the Slider Maintenance Shop (Lockshop 2). The prior PDF for Mr. Bogulaski's position supports a majority of work involving the installation and repair of locks and locking systems to include the institution's 80 "high security" electric sliding doors throughout the entire institution. The prior PDF breaks down the above duties further and describes those relating to clearing jammed locks, emergency keying, cutting keys, changing combinations, and servicing and repairing door hinges as 5% or less of Mr. Bogulaski's key work activities (Exhibit B-4).

On the Position Review Request (PRR), Mr. Bogulaski notes the Slider Maintenance Shop "has its own separate tool and support equipment tool crib and grease locker." He further states, "[t]his shop is where 100% of the maintenance of correctional locks and locking devices, sliders and gearboxes are repaired and bench tested for serviceability." The desk

audit supports Mr. Bogulaski's independent responsibility for maintaining this lockshop (Exhibit B-5) where he maintains and rebuilds AHCC's high security electric slider door latching systems and correctional locking devices. Mr. Bogulaski states that he works directly with manufacturing engineers and technical representatives of the high security sliding door systems, which is also supported in the desk audit. He states that he expedites repair of slider equipment and determines what materials and bench stock to order for the Slider Maintenance Shop. Additionally, Mr. Bogulaski hires, trains, and directly supervises an offender crew to assist in the repair or installation of mechanical locking systems and perform preventive maintenance both in the shop and onsite (Exhibits B-2 and B-5).

On the PRR, Mr. Bogulaski's supervisor, Locksmith Supervisor Dave Orcutt, affirmed Mr. Bogulaski's authority to perform self assigned work orders as he comes across door and lock problems and his authority to hire and fire an inmate crew. However, Mr. Orcutt disagreed Mr. Bogulaski had lead or supervisory responsibilities because he did not "supervise staff . . ." (Exhibit B-2). While the desk audit indicates Mr. Bogulaski meets with his supervisor each day to discuss the details of his work, "[a]lmost all of Mike's work is done independent of supervision . . . where he decides on the process of work" (Exhibit B-5). This is consistent with Mr. Bogulaski's comments during the Director's review conference, in which he stated he meets with his supervisor daily but independently decides how to accomplish and prioritize his work. Mr. Bogulaski acknowledged his supervisor may assign a higher priority to a particular assignment but indicated he prioritizes his own work on sliders the majority of the time.

During the Director's review conference, Mr. Bogulaski clarified he works independently in the Slider Maintenance Shop, while his supervisor, Mr. Orcutt, primarily works in the Lockshop 1 on the opposite side of the institution. He further clarified they each have their areas of expertise and each work with manufacturers, depending on the equipment. Ms. Baker clarified Mr. Orcutt has general oversight of the Locksmith Department, including the computerized key area. The desk audit supports Mr. Bogulaski's responsibilities to independently operate the Slider Maintenance Shop, direct and train an offender crew in the shop and onsite, troubleshoot issues with complex locking mechanisms, and plan and carry out preventive maintenance, primarily on sliders (Exhibit B-5).

### Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

The class series concept for the Maintenance Mechanic classes reads as follows (Exhibit C-4):

Positions in this series perform general maintenance, repair, remodeling and construction duties utilizing working knowledge of several related skill fields such as electrical, plumbing, carpentry, welding, painting and machinist work. Incumbents inspect, repair, install and maintain physical facilities, locks and

maintain and repair machinery and equipment. Positions may be required to lead or supervise and instruct offenders, inmates or residents in general maintenance activities.

The definition for the **Maintenance Mechanic 3** (class code 626L) reads as follows (Exhibit C-5):

This is the senior, specialist or leadworker level of the series. Positions at this level perform skilled work in more than one trade or craft. Incumbents typically specialize in one trade or craft but perform journey-level and semi-skilled work in a variety of disciplines. Incumbents perform construction, maintenance, repair and modification of buildings, facilities, mechanical equipment, machinery and specific apparatus and utilize a working knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.

The definition for the **Maintenance Mechanic 4** (class code 626M) has been described as the supervisory or expert level of the series (Exhibit C-6).

While I recognize some of the maintenance tasks Mr. Bogulaski performs may be included in the Maintenance Mechanic classifications, the context in which he performs these tasks is to maintain and repair the detention locking systems at AHCC. In a broader context, an assignment to maintain locks as part of general maintenance duties and responsibilities may fit into the Maintenance Mechanic classes. However, the primary focus of Mr. Bogulaski's position is to perform skilled locksmith work on the detention systems, which I realize are complex, mechanized locking systems.

The Personnel Resources Board (PRB) has previously addressed similar issues when duties appear to fit in more than one class. The PRB concluded that while one class appeared to cover the scope of a position, there was another classification that not only encompassed the scope of the position, but specifically encompassed the unique functions performed. Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008). Further, the Board has consistently held that "[w]hen there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class with the definition that includes the position" Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989).

Mr. Bogulaski's position has specifically been tasked with performing skilled locksmith work, including the installation, repair, and maintenance of mechanical and electrical locking systems. The **Locksmith** class definition (class code 615E) specifically states that incumbents function as "fully qualified journey-level locksmith[s]" and "perform a variety of duties in skilled locking systems repair and installation work" (Exhibit C-1). Therefore, the Maintenance Mechanic series is not the best fit for Mr. Bogulaski's position.

I recognize that other Maintenance Mechanic positions have been assigned maintenance work on locks. However, the Board has held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a

position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006); Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

Additionally, most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

The Locksmith series is comprised of three levels. Mr. Bogulaski reports to a **Locksmith Supervisor**, which has been defined as "the supervisory or expert level" (Exhibit C-3). Within the context of the class series, his supervisor retains the highest level of responsibility and has extensive knowledge and experience in locksmith work (Department of Personnel's Glossary of Classification Terms).

The **Locksmith Lead** has been defined as "the senior, specialist, **or** leadworker level of the series." Further, "[p]ositions . . . have the responsibility to lead qualified locksmiths on a project or at a job location, to instruct other workers, to correct and specify methods, and to perform work in the repair, installation, and construction of locking devices and keys" (Exhibit C-2).

It is undisputed Mr. Bogulaski leads and supervises an offender crew but does not lead other staff. However, the Department of Personnel's Glossary of Classification Terms defines senior-level, in part, as follows:

The performance of work requiring the consistent application of advanced knowledge and requiring a skilled and experienced practitioner to function independently. Senior-level work includes devising methods and processes to resolve complex or difficult issues that have broad potential impact. . . . The senior-level has full authority to plan, prioritize, and handle all duties within an assigned area of responsibility. Senior-level employees require little supervision and their work is not typically checked by others.

Further, specialist duties include those involving "intensive application of knowledge and skills in a specific segment of an occupational area."

<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.aspx>

While Mr. Bogulaski meets with his supervisor each day to discuss the details of his work, the desk audit notes support a level of expertise, complexity, and independent judgment consistent with the senior-level definition. Nearly all of Mr. Bogulaski's work is performed independent of supervision. Mr. Bogulaski is skilled and experienced in complex detention locking systems and has the primary responsibility for maintaining the electric sliding doors throughout the entire institution. In addition, he independently maintains the Slider

Maintenance Shop; decides what work needs to be accomplished; develops preventive maintenance procedures; and hires, trains, and directs an offender crew. Both the comments during the Director's review conference and the desk audit notes indicate Mr. Bogulaski performs his duties with little supervision required. Mr. Bogulaski indicated his supervisor rarely checks his work out in the institution and does not have any involvement with the offender crew. In addition, Mr. Bogulaski maintains a shop separate from his supervisor's. Overall, the level, scope and diversity of the duties and responsibilities assigned to Bogulaski's position best fit the Locksmith Lead classification.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. ***If either party plans to hand-deliver or fax an appeal to the PRB, please note the following changes:***

***Through July 15, 2011***, you may file in person at ***600 South Franklin***, Olympia, Washington. Fax number (360) 753-0139.

***Beginning July 18, 2011***, you may file in person at ***521 Capitol Way South***, Olympia, Washington. Fax number (360) 586-4694.

For questions, please call (360) 664-0388.

If no further action is taken, the Director's determination becomes final.

c: Michael Bogulaski  
Nicole Baker, DOC  
Lori Olsen, DOC, AHCC  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

**Michael Bogulaski v DOC**  
**ALLO-10-059**

**A. Michael Bogulaski Exhibits**

1. Request for Director's Review form
2. DOC reallocation denial letter
3. Position Review Request with supervisor comments submitted to AHCC HR
4. List of WA State DOC persons working on sliders (Reference only)
5. March 2010 Position Description with employee's disagreement listed
6. DOP Job announcements pages 1-87 (not allocating criteria)
7. DOP Job Classifications: Locksmith, Locksmith Lead, Locksmith Supervisor, MM3 with highlighting, MM4 with highlighting
8. Photos of emergency slider work
9. Inmate maintenance crew/furlough/Notification of HR Supervisor pages 1-20
10. Lock Shop short staff/Dave Orcutt's back/M. Bogulaski ran both LS1/LS2
11. Definition of expert (Competency Catalog) Prison Locksmith description WSP (Document created by Bill Cody – to illustrate employee's argument)
12. Public Disclosure Report to William Cody, re: positions CF59 and BK15 pages 1-68 (Reference only)

**B. Department of Corrections Exhibits**

1. Allocation Determination letter October 22, 2010 -5p.
2. Position Review Request July 28, 2010 -8p.
3. Position Description position #3028 (current) March 2010 -6p.
4. Position Description position #3028 (previous) September 13, 2007 -6p.
5. Interview notes from Desk Audit September 20, 2010 -5p.
6. Incumbent's clarification of desk audit notes October 12, 2010 -3p.
7. Organizational Chart – Airway Heights Corrections Center June 7, 2010 -1p.
8. Position Description for Locksmith Supervisor November 5, 2009 -6p.
9. Organizational Chart – AHCC maintenance #MS7 -1p.
10. Organizational Chart – AHCC maintenance #MS8 -1p.

**C. Class Specifications**

1. Locksmith (615E)
2. Locksmith Lead (615F)
3. Locksmith Supervisor (615G)
4. Maintenance Mechanic 1 (626J)
5. Maintenance Mechanic 3 (626L)
6. Maintenance Mechanic 4 (626M)